

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner. Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments.

Claim 1 has been amended by deleting the words "capable of being" in order to illustrate that the elevation above a resting surface (12) is an essential aspect of the present invention. (See, for example, specification page 3, lines 6 - 23). An essential feature of the present invention is a roller (12) elevated in relation to the resting surface on which the patient is resting, such that an inclined surface is created by rolling the sheet around the roller, which in turn facilitates the turning of a patient. Additionally, the phrase "characterised in that" has been amended to read "wherein".

No new matter has been added by the claim amendments.

Claim 1 is patentable under 35 U.S.C. 102(b) over Hodgetts (U.S. Patent No. 5,697,109).

Claim 1 describes an aid (2) for turning persons lying on a bed (6), particularly persons lying on an operation table (6). The aid (2) includes a rotatable roller (8) oriented in parallel with and capable of being suspended at a long side (4) of a bed (6) or the underframe of the bed (6). The rotational axis (10) of the roller (8) is elevated above the resting surface (12) of the bed (6), as the ends (14, 16) of the roller (8) are suspended at free ends (18, 20) of upright brackets (22, 24) releasably attached at the long side (4) of the bed.

Hodgetts describes a patent transport system for moving patients between stretchers and beds. A conveyor with a roller is removably secured to a base. An end of a sheet is attached to the roller. A patient is placed on the sheet and operation of the roller transfers the patient.

Hodgetts does not disclose an aid for turning persons lying in a bed, but instead discloses an apparatus for transferring a person from a bed to a gurney or vice versa. (See, for example, column 1, lines 11 - 14). The object of the invention according to Hodgetts is, therefore, to transport a patient in a horizontal plane from a bed to a gurney or vice versa. Nowhere in Hodgetts is there any indication that it is desirable to turn a patient or to provide provisions for turning a patient lying on the bed. In fact, the opposite is true in Hodgetts. The intention of Hodgetts is to provide a safe and secure transfer of a patient without the patient being influenced by the movement. Turning of the patient would be an undesirable result.

In contrast with Hodgetts, the present invention is solely concerned with turning a patient, and turning this patient with as little discomfort as possible. (See, for example, specification page 2, line 29 to page 3, line 4). In order to turn the patient, it is an essential feature of the invention that the roller about which the sheet is fastened and rolled is elevated in relation to the surface on which the patient is lying. Therefore, an inclined underlay is created under the patient whereby the rolling/turning of the patient is facilitated. (See, for example, specification page 3, lines 6 - 22).

As indicated in claim 1 of the Applicant's invention, the roller must be elevated above the resting surface of the bed in order to facilitate turning of the patient. The purpose of the elevation is to facilitate a rolling movement in the patient. There must be a difference in height between the roller and the opposite bed surface for the Applicant's invention to function properly.

Hodgetts does not use a height differential. In fact, a height differential is discouraged and works against the purpose of Hodgetts. As seen in Figures 3 - 9 of Hodgetts, the sheet (80) is disposed in an exclusively horizontal position, either at the bed surface or just above and parallel to the bed surface. No height differential between ends of the sheets is found or desired.

There is a fundamental difference between the two solutions in the Applicant's invention and Hodgetts. Hodgetts apparatus cannot anticipate the Applicant's invention because using the Applicant's invention to transfer patients between stretchers and beds would result in undesirable rotation and movement of patients. Not only is the function of the two devices different, the two solutions address two different problems.

Therefore, claim 1 is patentable and not anticipated by Hodgetts.

Claims 2, 4 - 8, and 10 are patentable under 35 U.S.C. 103(a) over Hodgetts (U.S. Patent No. 5,697,109) in view of Knouse (U.S. Patent No. 4,747,170).

Claims 2, 4 - 8, and 10 are dependent on patentable independent claim 1. Claims 2, 4 - 8, and 10 add patentable features to the patentable features of claim 1. The subject matter of the claims would not have been obvious at the time the invention was made to a person having ordinary skills in the art.

Claim 1 is patentable over Hodgetts as described above. There would have been no motivation to combine the references.

Like Hodgetts, Knouse describes an apparatus and method for transferring a patient from for example a bed to a gurney. Again, the emphasis of the invention is to provide a transfer of the patient in the lying position from one horizontal surface to a second horizontal surface

substantially at the same level. Undesirable results of Knouse would be having the patient turn during the movement, or that the apparatus or the method should facilitate the turning of a patient.

A skilled person in the art at the time of invention would not contemplate the use of these referenced devices in order to turn a patient. Nowhere in the description or in the drawings is it indicated that a patient may be turned using such a device. On the contrary, a patient must be moved very carefully in order to avoid rotational movement. With the help of only one person, a patient is expected to be moved horizontally "in complete comfort and safety to the patient". (See, for example, Knouse column 1, lines 52 - 59).

For the same reasons as mentioned above, this reference would also not be considered by a person skilled in the art in order to turn a patient lying on the sheet.

Therefore, it would not be obvious to one of ordinary skill in the art at the time of invention to combine the references. Claims 2, 4 - 8 and 10 are patentable over Hodgetts in view of Knouse.

Claims 3, 9 and 11 are patentable under 35 U.S.C. 103(a) over Hodgetts (U.S. Patent No. 5,697,109) in view of Knouse (U.S. Patent 4,747,170) and further in view of Fregni (EPO Patent No. 374,784).

Claims 3, 9, and 11 are dependent on patentable independent claim 1. Claims 3, 9, and 11 add patentable features to the patentable features of claim 1. The subject matter of the claims would not have been obvious at the time the invention was made to a person having ordinary skills in the art.

Claim 1 is patentable over Hodgetts and Knouse as described above. There would have been no motivation to combine the references.

Fregni describes a device to prevent and heal bedsores in long term patients. The system of Fregni includes a sheet arranged in a loop around two rotatable axles. By elevating the axles in relation to the surface of the bed, a patient placed on the bed and on the looped sheet will be elevated from the surface of the bed. By activating the rollers to rotate, the patient lying on the elevated sheet will also be rotated due to the rotation of the looped sheet around the two rollers. This construction is, in contrast to the two inventions disclosed in Hodgetts and Knouse, conceived in order to turn a patient lying in a bed.

The present invention is also concerned with turning a patient, but the means for turning the patient in the Applicant's invention are much simpler and do not require the same kind of installation as disclosed in Fregni. The present invention is used to turn patients once, for example during an operation. In contrast, the turning mechanisms according to Fregni is designed to be able to turn the patient a plurality of times due to the use of loop-formed sheets arranged around two rotatable axles, which axles furthermore comprise elevating means.

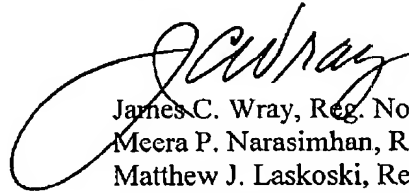
In the present invention, the elevating means as well as the loop-formed sheet are not necessary, and furthermore the elevating mechanism is only provided in one side. Therefore, the persons skilled in the art would not contemplate altering the construction according to Fregni within the abilities of persons ordinarily skilled in the art to disregard an elevating structure in one side of the bed, change the loop-formed sheet to a single layer sheet, provide fastening means for the remaining roller, and construct an elevating structure which has a permanent elevation and which may be detachably attached to a bed.

Therefore, it would not be obvious to one of ordinary skill in the art at the time of invention to combine the references. Claims 3, 9 and 11 are patentable over Hodgetts in view of Knouse and further in view of Fregni.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



James C. Wray, Reg. No. 22,693
Meera P. Narasimhan, Reg. No. 40,252
Matthew J. Laskoski, Reg. No. 55,360
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

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